

**CHARLOTTE COUNTY PLANNING AND ZONING BOARD**  
**REGULAR MEETING**  
**Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida**

**Board Members**

Michael Gravesen, Chair  
Paul Bigness, Vice-Chair  
Stephen Vieira, Secretary  
Don McCormick  
Kenneth Chandler



**MINUTES**  
**REGULAR MEETING**

**District**

District V  
District III  
District I  
District II  
District IV

**April 13, 2020 at 1:30 P.M.**

**Call to Order**

**Chair Gravesen** called the meeting to order at 1:30 p.m.

**Roll Call**

Upon the roll being called it was determined a quorum was present.

**Approval of Minutes – March 9, 2020 Regular Meeting**

The March 9, 2020 minutes were approved as circulated.

**Announcements**

**Thomas David, Asst. County Attorney**, said due to the Federal, State and Local Emergency Declarations, the County provided alternative means to give testimony in writing for this hearing. Those comments were submitted through an email address that was posted on the County website. We did not receive any comments online, so I won't be reading any into the record. We have limited access to the facility for in person commentary, but if any one has any issues, I will let you know, otherwise, we will operate as normal here, as much as we can, but it will be a limited meeting.

The oath was provided by Secretary Clim for those wishing to provided testimony.

**PETITIONS**

**FP-20-02-09**

**Quasi-judicial**

**Commission District I**

Pulte Home Company, LLC has requesting Preliminary and Final Plat approval for a remedial Minor Subdivision to be named, Babcock Ranch Community Edgewater Phase 2, replatting three lots and one tract. The site is 2.40 acres, more or less, and is located south of Bermont Road, north of the border with Lee County, east of Babcock Ranch Road, and west of the border with Glades County, in Section 32, Township 42S, Range 26E, in Commission District I.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition FP-20-02-09 with a recommendation of approval, based on the reasons stated in the staff report. He said this item is a remedial plat. This is for the Babcock Community Edgewater Phase 2. Pulte got a little bit ahead of themselves. They started putting the forms in and they were placed in the wrong location, prior to the final plat being approved. This is a remedial plat to try and fix that and make the lines match up. This is for 3 lots and one Tract. We understand how this happens. He showed the location on the power point.

All pertinent departments have reviewed the petition resulting in a total of zero conditions. All affected utilities have been notified. None have offered any objections. Community Development recommends approval of Petition FP-20-02-09.

**Questions for Staff**

**Mr. Vieira** asked the piece that is on the tip, we looked at this petition a few months back, and on the original petition, it just left that whole peninsular as blag, and it was undefined at that time, wasn't it?

**Mr. Cullinan** said it was until that petition was approved. He showed a power point of what it looked like at that time, because the plat had not been approved. Now the plat is approved, that is why it is showing this way.

**Applicant's Presentation**

**Carl Barroco, Jr.** stated he is the engineer of record for this Edgewater Project for the Pulte Group, and was sworn in. **Mr. Barroco** said what is being considered today is a re-plat of the original subdivision plat to correct the mistake that was made when the homes were being staked out in the field for construction. When our firm switched over to a new computer program, there were a few buttons that were not clicked to change some of the units that were used, and the homes were staked out in the wrong place. They were 2.20 feet to the south and west. The easiest way to fix this solution, was to replat just these 3 lots and slide those 3 lot lines over to the north and east.

**Public Input**

No one spoke for or against this request.

- **Mr. Vieira** moved to close the public hearing, second by **Mr. McCormick**; with a unanimous vote.

**Recommendation**

**Mr. Vieira** moved that FP-20-02-09 be sent to the Board of County Commissioners with a recommendation of Approval based on the findings and analysis in the staff report dated March 26, 2020, along with the evidence presented at today's meeting, second by **Mr. McCormick**; and carried by a unanimous vote.

**Z-19-11-38**

**Quasi-judicial**

**Commission District IV**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to Planned Development (PD). This is a major modification of an existing PD to revise the concept plan and conditions of approval, for property bound by Franklin Avenue to the north, O'Donnell Boulevard and the Flamingo Waterway to the east, El Jobean Road (SR 776) to the south, and Crestview Waterway to the west, in the Port Charlotte area, containing 434.68± acres; Commission District IV; Petition No. Z-19-11-38; Applicant: West Port, LLC; providing an effective date.

**Shaun Cullinan, Planning and Zoning Official**, asked to be accepted as an expert in Planning; with his qualifications attached to the staff report. Chair Gravesen stated the Board accepts Mr. Cullinan as an expert. Mr. Cullinan said this item is a Planned Development modification for the West Port development. The applicant is West Port LLC. This a Major Modification revising the Spine Road configuration, increasing the number of model homes allowed, reducing the required minimum parking for internal amenities, such as club houses, reducing the required minimum rear setbacks for accessories, reducing the number of development tracts and revising the multi-mobile connection points at North Charlotte Regional Park, and revising the local cross sections, as well as some standards relating to town homes. They are also requesting changes to the town homes for the minimum lot width standards to be 15 feet not 20 feet and side yards abutting a road should be 10 feet not 15 feet. Mr. Cullinan provided the findings and analysis for Petition **Z-19-11-38** with a recommendation of approval, based on the reasons stated in the staff report.



Community Development recommends approval of Petition Z-19-11-38 with the seventeen (17) conditions as outlined in the staff report.

**Questions for Staff**

**Mr. Vieira** asked when talking about concurrency issues, particularly student generation, saying that Murdock Village is exempt. Can you explain that to me?

**Mr. Cullinan** said the reason is because when the County purchased the Murdock Village properties, they were vested platted lots of record which is what gave the density there, and because the schools had already taken those into account for future generations of students, had those just built out in the normal way, they would not have had to pay for any concurrency, same thing.

**Mr. Vieira** said, as far as roads go, is the developer in this case required to build out all the roads that are required for the development too?

**Mr. Cullinan** said the master developer, West Port LLC, is constructing the roads as shown here. Essentially a modified, kind of Y shape. Those are the roads they are responsible for and that is under both the development agreement and a couple of other controlling documents that have been before the Commission in past months.

**Thomas David, Asst. County Attorney**, said there is a Community Development District that was approved for that area, and there is a Bond for around \$30 million for internal roads and some funds provided by the developer of record. They will be building out the internal roads.

**Applicant's Presentation**

**Ms. Linda Stewart, Principal Planner with Morris Engineering, representing the applicant**, stated they join in the staff report and the two revisions as mentioned. Ms. Stewart stated they accept Mr. Cullinan as an expert and respectfully requested a recommendation for approval.

**Public Input**

No one spoke for or against this request.

- **Mr. McCormick** moved to close the public hearing, second by **Mr. Chandler**; with a unanimous vote.

**Recommendation**

**Mr. Chandler** moved that Z-19-11-38 be sent to the Board of County Commissioners with the seventeen (17) conditions (Letters A-Q) and the modified conditions as outlined in the staff report, with a recommendation of Approval based on the findings and analysis in the staff report dated January 8, 2020, along with the evidence and testimony presented at today's meeting, second by **Mr. McCormick**; and carried by a unanimous vote.

**The following Land Use Petition and Rezoning Petition are together**

**PA-20-01-06**

**Legislative**

**Commission District II**

An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, adopt a Small-Scale Plan Amendment to change Charlotte County Future Land Use Map Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) to Commercial (COM); for property located at 3301 Taylor Road, in the Punta Gorda area, containing 2.52± acres; Commission District II; Petition No. PA-20-01-06; applicant: 321 Dynasty LLC; providing an effective date.

**Z-20-01-07**

**Quasi-judicial**

**Commission District II**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-family-5 (RSF-5) to Commercial General (CG); for property located at 3301 Taylor Road, in the Punta Gorda area, containing 2.52± acres; Commission District II; Petition No. Z-20-01-07; applicant: 321 Dynasty LLC; providing an effective date.

**Shaun Cullinan, Planning & Zoning Official**, provided the findings and analysis for Petition **PA-20-01-06 and Z-20-01-07**. **Mr. Cullinan** said this is a combined Future Land Use Map designation and Rezone, from Low Density Residential to Commercial and the Rezoning is from Residential Single Family-5 to Commercial General (CG). **Mr. Cullinan** showed the location map, the 500 foot buffer map, and the area for the rezoning on the power point. He said a few months ago, there was a plat vacation that made this into large acreage.

All pertinent departments have reviewed resulting in a total of zero conditions. Community Development recommends approval of Petition **PA-20-01-06 and Z-20-01-07**.

**Questions for Staff**

None

**Applicant's Presentation**

**Geri Waksler, Esq., Agent for the applicant, said she was sworn in.** **Ms. Waksler** stated they accept **Mr. Cullinan** as an expert and join in the staff report. She said she is representing 321 Dynasty LLC, a company owned by Bruce Laishley. The applicant is seeking a Future Land Use Amendment from Low Density Residential to Commercial and a Rezoning from Residential Single Family-5 to Commercial General. The applicant owns all the commercially zoned land east of the subject property, which extends all the way to Taylor Road and Burnt Store Road. A plat vacation of the subject property and the property to the east was approved last month by the BCC creating one large development tract. Across the street, provides a natural division between the commercial and the existing residential zoning. All the residential lands to the west including the single lot that is actually developed, will be buffered from any commercial development by the required Type C buffer. Along the southern half of the subject property the proposed commercial area, will be adjacent to land that is currently zoned for Office, Medical and Institutional (OMI) uses. A buffer will be required between the commercial and OMI property. Approval of the FLUM and Zoning amendments will create a unified development tract within a designated economic center. We concur with staff findings and respectfully request a recommendation of approval.

**Public Input**

No one spoke for or against this request.

- **Mr. Vieira** moved to close the public hearing, second by **Mr. Chandler**; with a unanimous vote.

**Recommendation**

**Mr. McCormick** moved that **PA-20-01-06** be sent to the Board of County Commissioners with a recommendation of Approval based on the findings and analysis in the staff report dated April 3, 2020, along with the evidence and testimony presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

**Mr. McCormick** moved that **Z-20-01-07** be sent to the Board of County Commissioners with a recommendation of Approval based on the findings and analysis in the staff report dated April 3, 2020, along with the evidence and testimony presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.



**NOPC-19-04-07**

**Quasi-judicial**

**Commission District I**

A Resolution pursuant to Section 380.06(7), Florida Statutes (F.S.) and Section 3-9-10.1, Development of Regional Impact (DRI) Development Order (DO) Amendment Process and Procedure under Chapter 3-9, Zoning, the County's land Development Regulation, amending the Increment 1 Development Order (IDO) for the Babcock Ranch Community Development of Regional Impact (DRI) to: 1) revise language and statutory references throughout the IDO to bring language into conformance with Section 380.06, F.S. and Section 3-9-10.1 of the County Code; 2) revise development rights by increasing residential dwelling units from 2,000 to 5,000 units; adding 600 hotel rooms; increasing retail from 50,000 to 870,000 square feet; increasing office from 140,000 to 350,000 square feet; adding related facilities for the 18 hole golf course as accessory uses; and clarifying supporting community facilities are generally civic in nature; 3) increase the minimum amount of non-residential development from 10,000 to 50,000 square feet; 4) amend the Transportation Section to be consistent with the revised traffic study; 5) revise Conditions A.(5) and A.(6) within the Vegetation Wildlife, and Wetlands Section to reflect 2016 biennial report; 6) update Condition A.(2) within the Education Section to clarify the agreement and reflect the updated Interlocal Agreement for Coordinated Planning and School Concurrence; 7) revise Condition A.(2) within the Police and Fire Section to reflect the current condition; 8) revise Conditions (2), (3), and (6) within the Open Space and Parks Section to clarify that The Developer, ISD or POA shall develop and operate the parks; 9) update the General Provisions Section to add the Developer's obligations and the IDO recording requirement to be consistent with the current law; 10) update Exhibit B-2: Babcock Ranch Community Map H-1 Increment 1 South Master Development Plan; 11) revise Exhibit C: Babcock Ranch Community Increment 1 Equivalency Matrix; 12) revise Exhibit D: Updated Summary of Land Dedication & Facilities Construction Required for Increment 1; 13) update Exhibit D-1: Specifications for one (1) Freightliner M2 AEV Type I Ambulance; 14) revise Exhibit E: Babcock Ranch Community Increment 1 Parameters; 15) update Exhibit H1: Increment 1 South Area Primary Greenway Map and Trails Plan; 16) update Exhibit J: Increment 1, Future (2026) Traffic Conditions with Project Directional Peak Hour Peak Season and Exhibit K: Increment 1, Future (2026) Traffic Conditions with Project Proportionate Share Calculation to reflect the revised traffic study; and 17) reflect the extension of the expiration date and buildout date of this Development Order per Governor's Executive Orders; for property located east of S.R. 31, south of C.R. 74 (Bermont Road), west of the Glades County line, and north of the Lee County line, containing 5,095± acres, in the East County area; Commission District I, Petition No. NOPC-19-04-07; applicant: Babcock Property Holdings, L.L.C.; providing an effective date.

**Jie Shao, Principal Planner**, said she was sworn in and provided her qualifications as an expert planner. **Ms. Shao** provided the findings and analysis for Petition **NOPC-19-04-07** with a recommendation of approval, based on the reasons stated in the staff report. **Ms. Shao** said Babcock Property Holdings LLC is requesting a petition NOPC-19-04-07 which is an amendment to the Increment I Development Order (DO) for the Babcock Ranch Community Development of Regional Impact (DRI). She showed the location on the power point presentation. She said the major changes of this amendment are the applicant is proposing to revise language and statutory reference throughout the Increment Development Order to bring language into conformance with Sections 380-06 and Section 3-9 10.1 County Code, which is the County's DRI D.O. Amendment process and procedure. The proposed changes will increase residential development rights by 3,000 units at 600 hotel rooms, increase retail to 870,000 square feet, increase office to 350,000 square feet and related facilities for the 18 holes of golf course as necessary uses, but will not increase but decrease the proposed open space areas. In addition, the proposed development rights are permitted under the approved Master DRI D.O. for the Babcock Ranch Community, this is just Increment I. The proposed changes will still create a mixture of residential and commercial development which is consistent with the planning vision established in the County's Comprehensive Plan. Staff has no objections to theses changes. She also went over the Traffic Study.

Community Development recommends approval of Petition **NOPC-19-04-07** as outlined in the staff report dated March 30, 2020.



**Questions for Staff**

**Mr. Vieira** said he did go through the staff report and asked on the non-residential development side of it, where we are increasing from 10,000 to 50,000 square feet, is that to handle concurrency issues and non-development issues?

**Ms. Shao** said no, that is not concurrency. Based on normal, you have commercial non-residential development that try to serve the neighborhood. This proposal will increase the residential units from 2,000 to 5,000 that is why the minimal is getting increased to serve the people.

**Mr. Vieira** said he did look at the traffic study and time frame, is what is proposed in the traffic study, is that for the buildout of the full development where it would reach its capacity because there was a lot of road changes from 4 lanes to 6 lanes and turning lanes put in. What we are doing here is envisioning the total build out of Babcock Ranch – is that what we are discussing? I know the developer has the opportunity to come in and make changes as they need to, as they build out, but is this being presented on the premises, this is as far as the community will go or is it not?

**Ms. Shao** referred him to the applicant's agent.

**Applicant's Presentation**

**Robert Berntsson, Esq., agent for the applicant, said he was sworn in.** **Mr. Berntsson** stated he accepted Ms. Shao as an expert. **Mr. Berntsson** said basically the traffic study is the amount of development that is authorized in this Increment at this time. In doing that analysis, the proportionate share for this amount of development was \$45 million dollars. This D.O. amendment is actually committing the developer to \$85 million dollars in improvements. They are going beyond what is required and that will be a credit against development in the future as they come in and increase the different items.

**Mr. Gravesen** asked you are increasing the residential units from 2 to 5 thousand units. Do any transfer development rights have to be involved with this, or was it allowed in the DRI originally?

**Ms. Shao** said no, this is allowed in the Master Development Order for the maximum and the Comprehensive Plan already says that. They are not required to transfer TDU, they are exempt for that.

**Mr. Berntsson** said due to the conditions that are going on (referring to the coronavirus) we would normally have our entire team of 8 to 10 members of the development team with me. I have my phone, in case I have to call them. We do join in the staff report and agree with staff. The development has been very positive out there. Years ago, it was nothing but fields, and now it is a beautiful community.

**Public Input**

No one spoke for or against this request.

- **Mr. McCormick** moved to close the public hearing, second by **Mr. Bigness**; with a unanimous vote.

**Recommendation**

**Mr. Vieira** moved that **NOPC-19-04-07** be sent to the Board of County Commissioners with a recommendation of Approval as outlined in the staff report dated March 30, 2020, based on the findings and analysis in the staff report and the evidence presented at today's meeting, second by **Mr. McCormick** and carried by a unanimous vote.

**ADJOURNMENT**

The meeting was adjourned at 2:15 p.m.



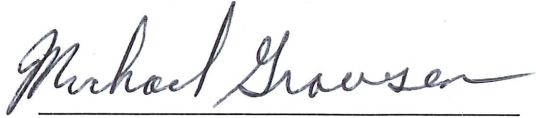
**Charlotte County Planning and Zoning Board Minutes Continued**

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Accepted on behalf of the Charlotte County  
Planning and Zoning Board

A handwritten signature in cursive script, reading "Michael Gravesen", written in dark ink. The signature is fluid and stylized, with a long horizontal stroke at the end. It is positioned above a solid horizontal line.

Michael Gravesen, Chair